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PATENT

Attorney Docket No. F-5489 CIP 1 (0360-0166.01)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Smith, et al.

Serial No.: 09/976,832

Filed: 13 October 2001

Group Art No.: 3762

Examiner: P. Bianco

For: **BLOOD SEPARATION SYSTEMS
AND METHODS THAT ALTERNATE
FLOW OF BLOOD COMPONENT AND
ADDITIVE SOLUTION THROUGH AN
IN-LINE LEUKOFILER**

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Name: Elizabeth Egan

Signature

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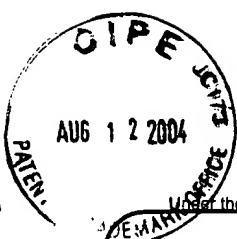
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1. Transmittal Form PTO/SB/21 (1 sheet);
2. Response Under Rule 312, including attachments "A" and "B" (6 sheets);
3. Certificate of Mailing (1 sheet);
4. Return Receipt Postcard.

Name: Elizabeth Egan

Signature:



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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| | | |
|---|------------------------|------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/976,832 |
| | Filing Date | October 13, 2001 |
| | First Named Inventor | Kelly B. Smith |
| | Art Unit | 3762 |
| | Examiner Name | Sun U. Kim |
| Total Number of Pages in This Submission | Attorney Docket Number | F-5489 CIP 1 |

| ENCLOSURES (Check all that apply) | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input checked="" type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Cook Alex McFarron Manzo Cummings & Mehler Ltd. Gary W. McFarron, Esq. |
| Signature | |
| Date | August 12, 2004 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Elizabeth Egan | | |
| Signature | | Date | August 12, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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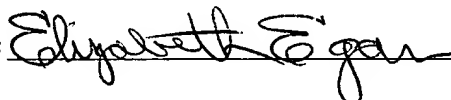
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Date of Deposit: August 12, 2004

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Name: Elizabeth Egan

Signature: 

RESPONSE UNDER RULE 312

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This response under Rule 312 is being submitted to assure that all the documents submitted to the Examiner in Applicant's Information Disclosure Statement are properly indicated as having been considered by the Examiner.

On June 14, 2002, Applicant submitted an Information Disclosure Statement to the Patent and Trademark Office. The Information Disclosure Statement was accompanied by a six-page

listing of prior art cited by the Applicant. In the subsequent Office Action of February 3, 2003, however, only five pages of prior art were initialed by the Examiner, and a sixth page was missing.

Applicant also submitted an Information Disclosure Statement on August 4, 2003 containing a one-page listing of prior art cited by the Applicant. In the subsequent Office Action of October 20, 2003, that page was returned to the Applicant with only the foreign patent documents initialed as having been considered. The U.S. patent documents that were cited were not initialed by the Examiner as having been considered.

Applicant respectfully believes that the above was the result of oversight and that the cited references were, in fact, considered by the Examiner. However, to assure that the application file is accurate and complete, copies of those pages are enclosed herewith. Page "A" is from the June 14, 2002 IDS and Page "B" is from the August 4, 2003 IDS. It is respectfully requested that the Examiner initial the references previously called to the attention of the Patent Office, so that the file of the issued patent will be clear, and it will be apparent that the references properly cited by the Applicant have, in fact, been considered by the Examiner.

Should the Examiner have any questions or comments regarding this submission, it is respectfully requested that the Examiner telephone, fax or email the undersigned. Otherwise, correspondence should continue to be directed to the correspondence address of record in the application file.

In the event any additional fees are due, the Commissioner is authorized to charge the fees to the Cook Alex McFarron Manzo Cummings & Mehler, Ltd., deposit account, Account No. 50-1039.

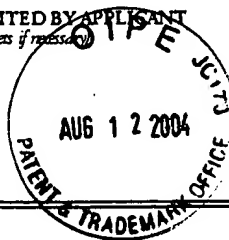
Respectfully submitted,

Dated: Aug. 12, 2004

By: Gary W. McFarron
Gary W. McFarron, Esq.
Reg. No. 27,357
COOK ALEX McFARRON MANZO
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200 W. Adams St., Ste. 2850
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(312) 236-8500

Attorneys for Applicants

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| LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary) | ATTY DOCKET NO. F-5489 CIP 1 | SERIAL NO. 09/976,832 |
| | APPLICANT Smith et al. | |
| | FILING DATE 13 October 2001 | GROUP Unknown |



U.S. PATENT DOCUMENTS

| Examiner Initial | DOCUMENT NUMBER | Date | Name | Class | Subclass | Filing Date (If Appropriate) |
|------------------|-----------------|----------|----------------|-------|----------|------------------------------|
| | 5,989,438 | 11/23/99 | Fumiyama | | | |
| | 5,482,440 | 1/9/96 | Dennehey et al | | | |
| | 5,871,693 | 2/16/99 | Lindsay | | | |
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| | 4,965,846 | 10/23/90 | Williamson IV | | | |
| | 4,410,341 | 10/18/83 | Edwards et al. | | | |
| | 3,681,899 | 8/8/72 | Grote | | | |
| | 5,178,603 | 1/12/93 | Prince | | | |
| | 4,954,128 | 9/4/90 | Ford | | | |
| | 4,447,191 | 5/8/84 | Bilstad et al | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | Class | Subclass | Translation Yes No |
|--|--|-----------------|------|---------|-------|----------|-----------------------|
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

| | | | |
|---|--|--------------------------------------|--------------------------|
| LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary) | AUG 12 2004 PATENT & TRADEMARK OFFICE | ATTY DOCKET NO. 1006.F-5489-CIP 1 | SERIAL NO. 09/976,832 |
| | Customer No. 26308 | APPLICANT Smith et al. | |
| | FILING DATE 10/13/01 | GROUP 3762 | |

AUG 12 2004
 PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

| Examiner Initial | DOCUMENT NUMBER | Date | Name | Class | Subclass | Filing Date (if Appropriate) |
|------------------|-----------------|----------|----------------|-------|----------|------------------------------|
| | 5,690,815 | 11/25/97 | Kransoff et al | | | |
| | 6,106,727 | 8/22/00 | Krasnoff et al | | | |
| | 6,322,709 | 11/27/01 | Krasnoff et al | | | |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | Class | Subclass | Translation Yes No |
|--|-----------------|------|----------------------------------|-------|----------|-----------------------|
| | JP 2003-52808 | | Japan (with English Translation) | | | |
| | JP 2001-149444 | | Japan (with English Translation) | | | |
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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